

Filed for intro on _____
Senate Bill _____
By _____

House No. HB1064
By Kerr

AN ACT to enact the Tennessee Apiary Act of 1995 to amend
Tennessee Code Annotated, Title 44, Chapter 15, Part 1.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 15, Part 1, is amended by deleting it in its entirety and substituting instead Sections 2 through 30 of this act.

SECTION 2. (a) This act shall be known and may be cited as the "Tennessee Apiary Act of 1995".

(b) Honeybees are kept in beehives by beekeepers throughout the State, and many colonies of feral honeybees have established nests in hollow trees and in walls of buildings. These honeybees perform the pollination function that is essential to the propagation of many species of flowering plants in Tennessee. These flowering plants include many agricultural crops, wildflowers, and forest plants that are of great importance to all Tennesseans, and the honeybees are the major pollinator for most of these plants. Therefore, the State of Tennessee must take appropriate actions to help assure the continued availability of an adequate population of honeybee pollinators. Honeybees, like other animal species, are afflicted by a variety of contagious diseases and pests that can cause serious population reductions. The natural behavior of honeybees causes them to be interactive with bees from other colonies and therefore vulnerable to transmission of some diseases and pests. Therefore, persons involved in the keeping of bees in a given area can engage in beekeeping practices that will have a real

and direct impact on the honeybees and beekeeping in surrounding areas. This act enables and provides for the development of regulatory programs for beekeeping activities in the State as may be needed to help protect honeybees from diseases, pests, and other threats that could seriously reduce the availability of the honeybee pollinators.

SECTION 3. As used in this act unless the context otherwise requires.

(1) "Apiary" means a collection of one or more colonies of bees in beehives at a location. A building or room in a building is considered to be the location of an apiary only if one or more beehives containing colonies of honeybees are housed within that building.

(2) "Apiary inspectors" means those persons with relevant qualifications and beekeeping training who are employed by or working under contract with the Department of Agriculture for the purpose of implementing regulatory programs as directed by the State Apiarist.

(3) "Bee disease" or "pest" means a condition of a colony of bees wherein a sufficient number of individual bees are afflicted by or infested with a bacterial, fungal, viral, parasitic or other organism such that the well being of the colony is affected.

(4) "Bee equipment" means those physical items which are made by or purchased by beekeepers and normally used in management of their colonies of bees. This definition includes all parts of a beehive, including combs built by the bees, special tools such as smokers and hive tools, and other items normally used in working with bees.

(5) "Beekeeper" means any individual, association, corporation, or other entity who deliberately provides nesting sites for colonies of honeybees and attempts to establish and maintain such colonies at any location.

(6) "Bees" or "Honeybees" means any developmental stage of any sub-species of the species *Apis mellifera*.

(7) "Commissioner" means the Commissioner of the Tennessee Department of Agriculture.

(8) "Colony" means all of the bees living together as one (1) social unit and may include the bee equipment in which the bees are living.

(9) "Department" means the Tennessee Department of Agriculture (TDA).

(10) "Feral bees" means those honeybees not kept in a beehive provided by a beekeeper and whose nest site is usually located in a cavity within a tree or a building.

(11) "Hive" or "beehive" means that container or structure used by the beekeeper to provide a cavity in which a colony of bees is expected to establish a permanent nest.

(12) "Regulated bee disease" or "regulated pest" means a bee disease or pest that presents a significant threat to the population of honeybees and for which regulatory actions can be taken to mitigate that threat.

(13) "State Apiarist" means that person employed by the Tennessee Department of Agriculture who has the qualifications prescribed by this act and has been designated as State Apiarist by the Commissioner. The State Apiarist will have both the responsibility and the authority to plan and implement regulatory programs for beekeeping.

(14) "Abandoned apiary" means an apiary that has not been subjected to at least the minimal beekeeping practices necessary to maintain the bees in a healthy, productive, and safe condition so that honeybees and beekeepers in surrounding areas will not be adversely affected.

(15) "Home apiary" means an apiary that is located on the lot or tract of land identified as the primary residence of the beekeeper.

(16) "Out-apiary" means any apiary owned or managed by a beekeeper that does not qualify as a home apiary.

(17) "Chief apiary inspector" means an apiary inspector that may be designated by the State Apiarist to coordinate, schedule, and supervise day to day inspection activities of other apiary inspectors.

(18) "Registered apiary" means an apiary that has been properly registered with the Department as required by this act.

(19) "Registered beekeeper" means a beekeeper whose apiaries are properly registered with the Department.

(20) "Advisory committee" or "ATAC" means the Apicultural Technical Advisory Committee that is established pursuant to Section 6 of this act.

(21) "Certified beekeeper" means any person who has successfully met the requirements of a voluntary certification program for beekeepers as approved by the State Apiarist.

SECTION 4. (a) The Commissioner will assure that a person is employed by the Department who has the educational qualifications, the beekeeping knowledge, and both the administrative and beekeeping experience to effectively conduct the duties of State Apiarist. The Commissioner shall designate such person as State Apiarist and shall assure that the State Apiarist has the responsibility, authority, and resources needed to meet, as a minimum, the specific provisions of this act.

The person designated as State Apiarist shall have, as a minimum, a college degree in one of the biological sciences and personal experience as a beekeeper. These qualifications may be waived for the person serving as State Apiarist at the time this act is enacted so long as that person performs the duties of State Apiarist prescribed in this act.

The State Apiarist shall be responsible for developing, implementing, and administering the apiary program needed to satisfy the objectives and provisions of this act and shall have the duty of enforcing those rules and regulations promulgated pursuant to this act.

(b) The Commissioner and the State Apiarist may appoint, in accordance with any applicable personnel rules and regulations, such assistants, apiary inspectors, and other employees as may be required, and to prescribe their duties; to delegate to apiary inspectors

and other employees such powers and authority as may be deemed proper within the limits of the power and authority conferred upon the Commissioner and/or the State Apiarist by this act.

(c) The State Apiarist and the apiary inspectors may provide educational literature and may conduct training programs for beekeepers on topics related to prevention, detection, and control of bee diseases and pests and other topics which will help beekeepers maintain needed populations of honeybees. The literature and training programs may be developed and conducted in cooperation with the Extension Apiculturist at the University of Tennessee.

(d) The State Apiarist and all apiary inspectors may own colonies of bees and engage in beekeeping activities on their own time, and their beekeeping activities will be subject to the same rules and regulations as applied to all other beekeepers. The Department shall not prohibit such activities but may develop guidelines to avoid interference with work responsibilities and to prevent conflict-of-interest.

SECTION 5. Local Apiary Inspectors working under cooperative inspection agreements between county or municipal governments and the Department shall be considered as contractors to the respective governments performing a contract service for the State of Tennessee. These local inspectors shall have the same powers and authority within their jurisdiction as is bestowed upon the state employed apiary inspectors.

SECTION 6. The Commissioner may (and is encouraged to) establish the Apicultural Technical Advisory Committee (ATAC) as an advisory committee whose purpose is to review proposed program plans, rules, regulations, policies, and other appropriate matters pertaining to the Department's apiary functions and to make recommendations to the Commissioner and the State Apiarist.

The ATAC shall, if established, be composed of nine (9) members appointed by the Commissioner.

The State Apiarist shall serve as a non-voting member of ATAC, and the Commissioner shall appoint one Department employee other than the State Apiarist to serve on ATAC. The

Commissioner shall invite the following organizations to submit the indicated number of nominees for membership on ATAC:

Beekeepers of Tennessee (B/T)	two (2) member
Tennessee Farm Bureau	one (1) member
Tennessee State Beekeepers Association (TSBA)	two (2) member
University of Tennessee/Institute of Agriculture	two (2) member

In the event that either TSBA or B/T cease to exist as a state chartered corporation, the surviving or successor organization shall be eligible to have four (4) members serve on ATAC. All ATAC members should have a broad understanding of apiculture and regulatory matters and be willing to serve on a voluntary basis. The members shall serve two (2) year terms and shall be eligible for renomination from their sponsoring organization. The Department may pay for transportation and lodging expenses for committee members who must travel over one hundred (100) miles round-trip for committee meetings. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general. Clerical support will also be provided. The ATAC shall develop administrative policies and procedures for the conduct of their business and for interactions with the Department; those policies and procedures must be submitted to and approved by the Commissioner prior to use. The ATAC shall provide written reports of their considerations and recommendations to requests from the Commissioner and/or the State Apiarist.

SECTION 7. (a) Every beekeeper owning one (1) or more colonies of bees shall register each apiary location within which any of those colonies of bees are located. Beekeepers whose apiaries are not already registered with the Department shall complete registration of all their apiaries by September 1, 1995. The registration will involve giving the information requested on a registration form provided by the State Apiarist and mailing or delivering that registration form to the State Apiarist or any apiary inspector. Upon establishment of a new apiary location, it

shall be the duty of owners or operators of such apiary(s) to register such new locations within fifteen (15) days. Any person, firm, or corporation moving bees into the State of Tennessee, shall register all apiary locations within (15) days from the date of the establishment of each apiary.

(b) Every beekeeper will be required to participate in a registration renewal program which will be operated on a three (3) year cycle and will be conducted by the State Apiarist and his designated representatives. The State Apiarist shall establish a schedule for registration renewals and shall thereby provide a suitable registration renewal form to all beekeepers with one (1) or more registered apiaries. Each beekeeper shall provide the requested information for all apiaries owned by that beekeeper and return the renewal form to the State Apiarist within thirty (30) days of receipt. Failure to properly register any apiary location is a Class C misdemeanor.

If an unregistered apiary is found, the State Apiarist or an apiary inspector will make a reasonable effort to locate the owner of the bees and to notify the beekeeper by means of a registered letter of the registration requirements and the consequences of non-compliance. If the beekeepers have not registered the apiary within thirty (30) days of that notice, the State Apiarist shall be empowered to confiscate all of the colonies in the unregistered apiary and shall dispose of the colonies in a manner specified in this act.

(c) The Department is prohibited from imposing any fees or monetary charges for registration of any apiaries. All citizens of the State benefit either directly or indirectly from the plant pollination services voluntarily provided by honeybees. Since Tennessee beekeepers generally derive no direct income from the pollination service provided by their honeybees, general state revenues will be used to fund regulatory mandated programs that help maintain this population of pollinators. This prohibition on fees and other monetary charges to the beekeepers shall also apply to all other services provided by the Department as required by this act or by rules and regulations promulgated from this act. However, this prohibition on fees and

monetary charges shall not apply to any non-required services and supplies provided by the Department at the request of the beekeeper or to any fines or penalties prescribed by this act.

(d) The State Apiarist shall issue to each beekeeper with one (1) or more registered apiaries a unique registration number that will be used for apiary identification purposes. The beekeepers shall by some means conspicuously display that registration number in each registered out-apiary. The number may be branded into or painted onto a conspicuous location on the beehives; if this method is used, the number must be at least one (1) inch in height and on at least half of the beehives in the apiary. An alternative display method is to have the registration numbers in three (3) inch or larger letters on a weatherproof sign at least six inches by twelve inches (6" x 12") in size and located within six (6) feet of the colony of bees nearest the usual entrance to the apiary. Other means of posting registration numbers may be used if approved by the State Apiarist. Failure to properly post the registration numbers in any registered out apiary is a Class C misdemeanor.

Posting of a beekeeper's home apiary is not required but is highly recommended so as to expedite inspector communications with the beekeeper. The State Apiarist may provide to beekeepers materials such as stencils or signs bearing their unique registration numbers. These materials will be suitable for posting an apiary and will be provided on a cost recovery basis to those beekeepers who request them.

An act by any person to obtain a registration number under false pretense, to fraudulently use a registration number, or to maliciously disturb a sign or marking bearing a registration number used to post an apiary is a Class B misdemeanor.

SECTION 8. Each beekeeper is required to provide moveable frames in all hives used by that beekeeper to contain bees, so that any such frames may be removed from the hive and inspected for regulated diseases and pests. Any beekeeper having a colony of bees living in any beehive or other container that does not have movable frames may be ordered by the State Apiarist to transfer the bees into a hive with movable frames within a specified period of time.

That order shall be made by registered letter and shall allow a reasonable time period for compliance. If the beekeeper does not make the transfer within the specified time period, the State Apiarist shall have the authority to confiscate the bees and hive.

SECTION 9. The State Apiarist, assisted by the apiary inspectors identified in this act shall have the authority and responsibility to establish and implement a program for inspection of apiaries throughout the state for the purpose of detecting regulated bee diseases and pests and for implementing control measures as needed to minimize the adverse impacts of those diseases and pests on the honeybee population in the state. The apiary inspection program will provide for direct examination of bees living in a beehive within any apiary and examination of equipment within that apiary in which the bees have died. The inspection will be conducted in accordance with standard procedures that are developed by the State Apiarist and reviewed by the Advisory Committee. Any apiary inspector duly authorized by the State Apiarist shall have the authority to go upon any public or private property for the purpose of conducting an inspection of an apiary located on that property. The inspector shall make a reasonable effort to notify the beekeeper of a planned inspection prior to the actual inspection. However, the inspector shall not be required to give the beekeeper or property owner advance notice of an inspection if the inspector has substantial reason to believe that the apiary may be infested with a regulated bee disease or pest. If an inspection is conducted without an advance notice being given, the inspector must provide in a timely manner written notice to the beekeeper to whom the apiary is registered informing the beekeeper that the inspection has been made and giving the results of the inspection. If the apiary is not identifiable as a registered apiary, the inspector shall take appropriate action to contact the beekeeper and to apply appropriate rules and regulations concerning registration.

SECTION 10. (a) Any beekeeper who plans to move one (1) or more colonies of bees for any reason from one (1) apiary location to another apiary location anywhere within the state is required to possess prior to the move a valid apiary inspection certificate showing that the

apiary was inspected by an apiary inspector within the twelve (12) month period prior to the move and was approved for movement. The inspection certificate will be issued without restrictions if all colonies are found to be apparently free of any regulated bee diseases or pests.

If any colony in the apiary is found to be infested with any regulated bee disease or pest, the inspector shall place the apiary under quarantine and impose regulatory actions authorized by the State Apiarist. During the quarantine, no colony of bees may be moved from that apiary except under conditions and limitations approved by the State Apiarist.

This section shall not apply to swarms and feral colonies captured by the beekeeper as they are moved from the place of capture to an apiary.

Failure to obtain the required inspection and/or to comply with the quarantine conditions and limitations is a Class B misdemeanor.

(b) Any beekeeper who offers to sell to or to give to another person a queen bee, a package of bees, or a colony of honeybees residing in a beehive in an apiary is required to have that colony and all other colonies in that apiary inspected by an apiary inspector within the six (6) month period prior to the selling or giving of the bees. If all colonies in the apiary are found to be apparently free of any regulated bee disease or pest, the inspector will issue an inspection certificate without restrictions to the beekeeper who owns the bees. A machine copy of the inspection certificate must be provided to any person who obtains ownership of any of the inspected colonies, and that person must retain that copy for a period of at least six (6) months.

If any colony in the apiary is found to be infested with any regulated bee disease or pest, the inspector shall place the apiary under quarantine and impose regulatory actions authorized by the State Apiarist. During the quarantine, no colony of bees may be moved from that apiary except under conditions and limitations approved by the State Apiarist. Failure to obtain the required inspection and/or to comply with quarantine conditions and limitations is a Class B misdemeanor.

(c) Any beekeeper who plans to move bees from an apiary to another location within the state and does not possess a valid inspection certificate for that apiary must submit a written request for an inspection to the State Apiarist not less than thirty (30) calendar days prior to the planned move. If the request is submitted during the winter months when weather conditions may limit inspection opportunities, the thirty (30) day period will be extended as necessary to include five (5) working days suitable for inspecting bees. The State Apiarist or an apiary inspector will conduct the inspection within the allotted time period or will provide written permission allowing the beekeeper to make the move without inspection. In cases where a move is allowed without inspection, the State Apiarist or an apiary inspector shall inspect the bees in a timely manner at the new apiary location.

(d) Any inspection certificate issued by the State Apiarist or any apiary inspector shall be valid for one (1) year from the date of issuance, and any restrictions associated with the certificate will remain in effect until the certificate expires, is amended by the State Apiarist or an apiary inspector, or until a new certificate is issued per a subsequent inspection.

SECTION 11. The Commissioner and the State Apiarist are hereby authorized to enter into cooperative agreements with any person, municipality, county and other departments of this state, and boards, officials, and authorities of other states and the United States for inspection with reference to regulated bee diseases and pests of honeybees, and for the control and/or eradication thereof, and to contribute a just proportionate share of the expenses incurred under such agreements.

The Commissioner and State Apiarist shall assure State participation in cooperative inspection agreements with any Tennessee county government who requests such participation, and the State Apiarist should work with the Advisory Committee to develop appropriate rules and guidelines by which to conduct the county cooperative inspection programs. County Inspectors working under a cooperative inspection agreement shall have full authority and responsibility to enforce the provisions of this act anywhere in the county

government's jurisdiction or at other areas approved by the State Apiarist and in accordance with the cooperative agreements.

SECTION 12. If an apiary inspector has substantial reason to believe that a feral colony of bees may be harboring any regulated bee disease or pest, the inspector shall have the authority to enter onto any property public or private to locate and examine that feral colony of bees. The examination of a feral colony must be conducted in accordance with rules established by the State Apiarist and any regulatory action taken must be authorized by the State Apiarist. If the feral colony is found to be infested with any regulated bee disease or pest, regulatory action authorized by the State Apiarist will be taken to control or eliminate the regulated disease or pest. In this section of the act, the definition of a feral colony can include a swarm of bees that has left the parent hive and has not yet entered a cavity to establish a nest; such a feral colony would normally be found clustered on an exposed tree limb, a fence post, or similar location.

SECTION 13. (a) The State Apiarist and the duly appointed apiary inspectors shall have the power and authority to declare a quarantine on any apiary found to be infested with any regulated bee diseases or pests. Immediately after the apiary is declared to be infested, a quarantine notice will be presented to the beekeeper and will include specific instructions as to required actions by the beekeeper. All of the beekeeping equipment in that apiary and that beekeeping equipment directly associated with that apiary shall be under quarantine and shall be subject to regulatory actions imposed by the State Apiarist.

The beekeeper will comply with the required regulatory actions in the prescribed time period; failure to comply in the allotted time is a Class B misdemeanor.

(b) The removal from such quarantined apiaries of any bees, bee products, bee equipment, or other articles or things capable of spreading bee diseases is prohibited, except under such conditions or precautions as the State Apiarist may permit. Any such quarantine shall continue in force until such time as the State Apiarist shall determine and declare that

removal of the quarantine will not cause further spread of any regulated bee disease or pest. The State Apiarist may declare a geographic area quarantine against any County, group of Counties, region, or state where a regulated bee disease or pest is found in a sufficient number of apiaries that the infestation can be considered endemic. Beekeepers whose apiaries are under a geographic area quarantine for a particular endemic disease or pest may move their bees within or into that geographic area without any restriction associated with the endemic disease or pest. However, bees may not be moved out of the quarantine area except by permission from the State Apiarist or an apiary inspector.

A beekeeper may move colonies of bees from a quarantined apiary infested with a regulated bee disease(s) or pest(s) into another quarantined apiary infested with the same regulated bee disease(s) or pest(s) provided the move is conducted in a manner approved by the State Apiarist or an apiary inspector.

(c) The State Apiarist shall be empowered to declare that honeybees from designated states and areas of states are known to be infested with honeybee diseases and pests that are regulated in Tennessee and that importation into Tennessee of such infested honeybees would present a substantial threat to the health of honeybees in Tennessee. It shall be unlawful for any person to import live bees into Tennessee from any state or area of a state so designated by the State Apiarist. Failure to comply with this restriction will be a Class B misdemeanor.

(d) It shall be unlawful for any person in the state who participates in or conducts a deliberate act that exposes free flying honeybees to a known source of any regulated bee disease or pest or to any substance commonly known to kill bees. Participation in or conducting such acts is a Class B misdemeanor. The deliberate acts that are prohibited include but are not limited to the following:

(1) Placing in a location that is accessible to free flying honeybees any beeswax combs, beekeeping equipment, honey, or other substance known to be attractive to honeybees

and capable of transmitting bee diseases or pests and known to have been in contact with or associated with sources of regulated bee diseases or pests.

(2) Placing in a location that is accessible to free flying honeybees any honey, sugar syrup, corn syrup, or other substance known to be attractive to bees and to which some pesticide or other substance harmful to honeybees has been added.

(3) Producing, making, releasing, or otherwise causing any spray, smoke, fog, dust, or other substance to enter a beehive for the purpose of killing the bees therein except as requested by the owner of the bees or as required by a state regulatory order. This subsection does not apply to farmers, gardeners, or others who are using legally registered pesticides on their crops in strict compliance with the label instructions, and the exposure of the honeybees is unintentional.

SECTION 14. (a) The Commissioner and the State Apiarist shall have authority to promulgate such rules and regulations under the authority of this act as may be necessary to prevent the further introduction into the state of bee diseases and pests and to eradicate, suppress, and/or control bee diseases and pests occurring therein. Such rules and regulations shall be promulgated in the manner prescribed in the Administrative Procedures Act, with the additional requirements that any proposed rule or regulation must be made available in written form to the beekeeping community and should also be subjected to review by the ATAC according to the following review procedure:

(1) The State Apiarist shall prepare a written draft of any proposed rule or regulation and shall provide a written summary of the rule or regulation. The summary will include a written estimate of the purpose of the rule or regulation and will show the resources (personnel, supplies) required to implement and enforce the rule or regulation.

(2) The written draft of the rule or regulation and the accompanying written summary will be submitted to the Advisory Committee for review and comment. The Advisory Committee will have forty-five (45) days in which to provide to the Commissioner a written report containing

the committee's comments and recommendations. The Commissioner and the State Apiarist shall evaluate the contents of the report and make appropriate revisions to the draft rule or regulation.

(3) The State Apiarist will then make copies of the revised draft rule or regulation available to all active beekeeping organizations in the state and to all active certified beekeepers in the state, and to members of ATAC.

Executive orders that are issued by the Commissioner and implemented immediately without review by the Advisory Committee should also be submitted to the Advisory Committee for review and comment.

(b) The State Apiarist will maintain a complete file of rules and regulations promulgated under this act and shall provide notification to beekeepers of changes in or additions to the rules and regulations. The notification to beekeepers may be made by general notices in publications normally seen by most beekeepers or may be made by written notice to all registered beekeepers. In either case, the notice must be provided within twelve (12) months of the date the rule or regulation was put into force, and no penalty shall be assessed for any violations of a rule or regulation until the notification to beekeepers has been made.

SECTION 15. When the State Apiarist determines that any apiary appears to be an abandoned apiary, he shall give written notice by registered mail to the beekeeper (apiary owner or operator), if he can be located, that the apiary appears to be an abandoned apiary. If the beekeeper cannot be located, such notice shall be served on the owner of the land on which the apiary is located. The determination by the State Apiarist that an apiary appears to be an abandoned apiary should be based on written criteria that have been reviewed by the ATAC. An apiary may be declared abandoned after the apiary has been directly examined by a qualified apiary inspector and declared by that inspector to meet those criteria. Those criteria shall include but not be limited to the following:

(A) The physical condition of the interior of the beehives indicates to the inspector that the beehives have not been examined by a beekeeper within the past year.

(B) The vegetation that normally grows within the apiary and in the immediate vicinity (i. e. within six (6) feet of the beehives) of the apiary is overgrown to an extent that the inspector must remove vegetation to gain access to the beehives.

(C) Upon inspection of the beehives, the inspector finds one (1) or more of the colonies in the apiary appear to have a regulated bee disease or to have died and the beeswax combs have been seriously damaged or destroyed by waxmoths, or the bees in the apiary present a threat to public health and safety.

(D) There are no registration numbers or authorized identification markings on the outside of the beehives or posted signs within the apiary that enable the inspector to identify the owner of the apiary, or the apiary is posted with a registration number or identification marking that is identified as belonging to a beekeeper whose apiary registrations have expired.

If within sixty (60) days after notification the beekeeper does not take action to demonstrate that the apiary is not abandoned, the State Apiarist shall declare the apiary to be abandoned and shall confiscate all of the bees and beekeeping equipment in the apiary for disposal by an approved means. The beekeeper whose apiary has been declared to be abandoned and has been confiscated shall not be eligible for compensation for the confiscated bees and equipment.

SECTION 16. The Commissioner and/or the State Apiarist may authorize establishment of a certification program whereby beekeepers who successfully complete the requirements of the program will be certified to have acquired and demonstrated the knowledge and skills needed to effectively detect, identify, and control regulated bee diseases and pests. The level of knowledge and skills required for certification of beekeepers shall be comparable to the level required for employment as a state apiary inspector. The Department's program may recognize and accept successful completion of relevant training programs conducted by the Extension

Apiculturist at the University of Tennessee as evidence of the appropriate level of knowledge and skills. The State Apiarist will develop and administer any regulatory certification program that is established.

The beekeeper certification program shall be a voluntary program, and all applicants must successfully complete the program requirements to become a certified beekeeper. No certifications will be awarded on an honorary or complimentary basis. Each person who becomes certified will be granted certain privileges with regard to regulatory requirements provided by and promulgated from this act. The Department will provide to each certified beekeeper a certificate and a durable wallet-sized card attesting to their certification. A certified beekeeper will be entitled to the following privileges and any others approved by the Commissioner and the State Apiarist.

(A) A certified beekeeper will be permitted to conduct any inspection of his own bees as may be required by any provision of this act except for interstate movements. The certified beekeeper is required to provide written notification to the State Apiarist of all such inspections and to report any findings of any regulated bee diseases or pests. When regulated bee diseases or pests are found, the certified beekeeper is required to follow the same regulatory procedures as would normally be prescribed by an apiary inspector.

(B) The Department reserves the right to inspect any bees in any apiary belonging to a certified beekeeper, and the same rules for advance notification will be used as is used for other beekeepers.

(C) If the State Apiarist or any apiary inspector finds substantial evidence that any certified beekeeper is not meeting the privilege requirements, a written warning will be issued by the State Apiarist. If two warnings are issued in any twelve (12) month period, the beekeeper's certification and associated privileges may be suspended for up to two (2) years or revoked by the State Apiarist. Any suspension or revocation action may be appealed to the Commissioner

by submitting a written request for appeal; the suspension or revocation may be lifted by the Commissioner or the State Apiarist.

The ATAC may develop recommendations for additional rules and privileges for certified beekeepers. If such rules and privileges are approved by the Commissioner and the State Apiarist, they will become effective.

SECTION 17. No person shall sell or give to any other person any used beekeeping equipment until that equipment has been sanitized by a method approved by the State Apiarist. This requirement will not apply to equipment that is occupied by live bees.

SECTION 18. (a) Any person wanting to move live bees in beehives or empty brood combs (combs that have been used for rearing bee brood) into the state of Tennessee must apply to the Department for an entry permit. Such application shall be accompanied by a certificate of health from the originating state's regulatory agency certifying that all bees and beehives and used brood combs have been inspected by an authorized official within thirty (30) days prior to transportation into Tennessee. The certificate of health must show what diseases and pests were found as a result of the inspection. The State Apiarist will review the application and the health certificate and will determine whether or not an entry permit will be granted and what conditions or requirements must be met prior to entry. Failure to obtain the required entry permit prior to moving the bees and/or brood combs into the state is a Class B misdemeanor.

(b) Any person, firm or corporation transporting bees in beehives and/or used beekeeping equipment into, within, or through the state of Tennessee must secure the hives and equipment in such a manner as to prevent the escape of bees while being transported and to prevent the entry of bees encountered while the equipment is in transit. Failure to secure the hives and equipment in this manner is a Class C misdemeanor. This rule does not apply to empty drums, empty supers, skids, extractors, vehicles, and other similar used equipment unless these items are wet with honey such that bees are attracted to the items.

(c) The State Apiarist and all apiary inspectors shall be empowered to intercept any person(s) transporting live bees in beehives or other containers or transporting used beekeeping equipment; the purpose of the interception will be to determine if the person(s) have the required inspection certificates and transit permits required by this act. Failure to present the required certificates and permits is a Class B misdemeanor.

(d) Colonies of bees, beehives, and used beekeeping equipment brought into this state in violation of this act including all applicable rules and regulations of the Department shall be declared a nuisance. The state apiarist shall notify the owner to remove the items immediately. Then the Department will be empowered to seize, destroy, or offer for sale at public auction the colonies of bees, hives, and used beekeeping equipment without any remuneration to the owner. Notification shall be given in writing to the owner or person in charge of such bees or equipment. Written notice may be served by handing a copy, leaving a copy with an adult person residing upon the premises, or by registered or certified mail addressed to the owner or person in charge of such apiary at his last known address.

SECTION 19. Any person who shall violate any provision of this act, or of the rules and regulations promulgated thereunder, or of any order or notice given pursuant thereto, or who shall forge, counterfeit, destroy, or wrongfully or fraudulently use, any certificate, permit, notice or other like document provided for in this act or in rules and regulations promulgated thereunder for which the penalty is not provided, shall be deemed guilty of a Class C misdemeanor on conviction. For violations defined as Class C misdemeanors, the person shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for the first offense and not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the second or any succeeding offense. Civil penalties of up to one thousand dollars (\$1,000) may be issued by the Commissioner upon conviction for any violation of this act defined as a Class B misdemeanor.

SECTION 20. All fees, fines, and proceeds resulting from the sale of seized properties collected under the provisions of this act shall be paid into the treasury of the state and the same are hereby appropriated exclusively to the Department to be used in carrying out the provisions of this act.

SECTION 21. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

() Apicultural Technical Advisory Committee, created by Section 6 of this act.

SECTION 22. The State Apiarist shall be empowered to establish or to authorize establishment of apiaries for experimental purposes associated with research on or evaluation of conditions related to any bee disease or pest.

SECTION 23. All bees and beehives confiscated by the State Apiarist as allowed by this act shall be destroyed by burning if the State Apiarist determines that the confiscated property is infested with a regulated disease or pest to such an extent that it presents a significant and unacceptable threat to bees in the surrounding area. The State Apiarist will be allowed to use or to authorize use of confiscated property for experimental purposes. Otherwise the property may be donated to any college or university within the state that requests the property for research or educational purposes. If no such requests are received, the confiscated property will be sold either by public auction or by sealed bid sale.

SECTION 24. After inspection of infected bees or fixtures, or handling diseased bees, the State Apiarist or his assistants, before leaving the premises on which disease is found, or proceeding to any other apiary, shall take such measures as to prevent the spread of the disease by infected material adhering to his person or clothing, or any tools or appliances used by him which have come in contact with infected materials.

SECTION 25. It shall be unlawful for any person to knowingly give false or misleading information in any matter pertaining to the enforcement of the provisions of this act, or to resist, impede, or hinder the State apiarist or any duly authorized apiary inspector in the discharge of

their duties as described in this act. However any beekeeper being subjected to regulatory action may protest the specific actions planned or conducted by the State Apiarist and/or any apiary inspector if the beekeeper believes those actions to be contrary to the letter and intent of this act. The beekeeper or his designated representative must file a written protest to the Commissioner, and the Commissioner should present the protest to the ATAC for review and recommendations. The Commissioner shall then rule on the validity of the protest. If the Commissioner rules in favor of the beekeeper, the State Apiarist must cancel, suspend, or revoke the protested regulatory action, and the beekeeper shall not be subject to any penalties. If the Commissioner rules in favor of the State Apiarist, the protested action will stand and the beekeeper will be subject to the appropriate penalties provided in this act.

SECTION 26. Honey can be contaminated with certain organisms that can cause disease in honeybees. Therefore honey containers and beekeeping equipment that is wet with honey shall be stored, transported, and handled in such a way that free-flying honeybees will not be able to gain access to that honey. Violation of this requirement is a Class C misdemeanor.

SECTION 27. The State Apiarist shall prepare a written annual report summarizing all changes and/or additions to the apiary rules and regulations since the last report, information relative to the incidence of regulated diseases and pests in the state, and other information related to apiary programs within the state. A copy of the annual report shall be mailed to all registered beekeepers. Other reports may be prepared as conditions warrant, and these reports may be released through beekeeping publications and other general channels without a required mailing to each registered beekeeper.

SECTION 28. All rules and regulations heretofore promulgated on the subject matter of this act are hereby revoked.

SECTION 29. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 30. This act shall take effect immediately upon passage by the Tennessee General Assembly, the public welfare requiring it.

AN ACT to enact the Tennessee Apiary Act of 1995 to amend
Tennessee Code Annotated, Title 44, Chapter 15, Part 1.

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